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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,350	03/27/2002	Thomas James Manske JR.	8276	1391
27752	7590	04/01/2004	EXAMINER	
THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION WINTON HILL TECHNICAL CENTER - BOX 161 6110 CENTER HILL AVENUE CINCINNATI, OH 45224			PRUNNER, KATHLEEN J	
			ART UNIT	PAPER NUMBER
			3751	
DATE MAILED: 04/01/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/089,350	MANSKE ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Kathleen J. Prunner	3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

## Disposition of Claims

4)  Claim(s) 1-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 10,11 and 13-15 is/are allowed.

6)  Claim(s) 1-9 and 16 is/are rejected.

7)  Claim(s) 12 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

### *Specification*

1. The following informalities in the specification are noted: in the insert to page 1, line 5, on line 4 of the insert, "09/415,536" is incorrect – the correct application number is 09/451,536. Appropriate correction is required.

### *Claim Objections*

2. Claim 12 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim (claim 11). Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 11 calls for the ratio to be "at least about 2", which encompasses or includes the "at least about 4" called for by claim 12.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Koumbas. Koumbas discloses a disposable (note lines 20-21 on page 1) semi-enclosed applicator in the form of a glove or mitt (note lines 5, 50-52 and 67-70 on page 1) having all the claimed features including a first side (constituted by one outer side of the glove or mitt), a second side (constituted by the other outer side of the glove or mitt), an internal cavity between the first and second sides and an opening such that the cavity is externally accessible (note lines 26-27 on

page 1), the first side having a porous sheet containing at least 50%, by weight, non-absorbent material (note lines 40-42 on page 1), the second side having an absorbent sheet containing at least 50%, by weight, of cellulosic material (note lines 9-13 on page 1), and a fluid-impervious barrier layer constituted by the waterproof lining (note lines 14-19 on page 1) within the internal cavity adjacent the first side. With respect to claim 2, Koumbas also discloses a fluid-impervious barrier layer adjacent the second side (note lines 20-25 on page 1). With respect to claim 3, Koumbas further discloses that the first side includes a substantially absorbent layer located between the porous sheet (the outermost layer) and the fluid-impervious barrier layer (note lines 20-25 on page 1). With regard to claim 4, Koumbas additionally discloses that the porous sheet is comprised of a fibrous nonwoven material, especially when made of resilient plastics material or paper (note lines 9-13 on page 1). With regard to claim 6, Koumbas also discloses that the absorbent sheet is a paper comprised of 100% natural cellulose fibers (note lines 9-13 on page 1). With respect to claim 7, Koumbas further discloses that the absorbent sheet is a fibrous nonwoven material, especially when made of resilient plastics material or paper (note lines 9-13 on page 1). With regard to claim 8, Koumbas additionally discloses that the glove or mitt comprises a friction-enhancing element located at least partially within the internal cavity adjacent the first side (note lines 40-44 on page 1). With respect to claim 9, Koumbas further discloses that the applicator, when in the form of a glove, comprises a pocket (constituted by the pocket for each finger or digit) located at least partially within the internal cavity.

5. Claims 1-4 and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Brammer. Brammer discloses a disposable semi-enclosed applicator (note lines 1-2 in col. 1) in the form of a glove or mitt (note Fig. 1) having all the claimed features including a first side (constituted by one outer side of the glove or mitt), a second side (constituted by the other outer side of the glove or mitt), an internal cavity between the first and second sides and an opening such that the cavity is externally accessible (note Fig. 1), the first side having a porous sheet containing at least 50%, by weight, non-absorbent material (constituted by the outer layer – note lines 15-19 in col. 1), the second side having an absorbent sheet containing at least 50%, by weight, of cellulosic material

(note lines 3-5 in col. 2), and a fluid-impervious barrier layer constituted by the inner layer 10 (note lines 1-3 in col. 2) within the internal cavity adjacent the first side. With respect to claim 2, Brammer also discloses a fluid-impervious barrier layer 10 adjacent the second side (note Fig. 2). With respect to claim 3, Brammer further discloses that the first side includes a substantially absorbent layer located between the porous sheet 14 and the fluid-impervious barrier layer 10 (note Fig. 2). With regard to claim 4, Brammer additionally discloses that the porous sheet 14 is comprised of a fibrous nonwoven material (note lines 28-32 in col. 1). With regard to claim 6, Brammer also discloses that the absorbent sheet is a paper comprised of 100% natural cellulose fibers (note lines 3-6 in col. 2). With respect to claim 7, Brammer further discloses that the absorbent sheet is a fibrous nonwoven material (note lines 3-8 in col. 2). With regard to claim 8, Brammer additionally discloses that the glove or mitt comprises a friction-enhancing element located at least partially within the internal cavity adjacent the first side (note from line 54 in col. 1 to line 1 in col. 2). With respect to claim 9, Brammer further discloses that the applicator comprises a pocket (constituted by the pocket for the thumb – note Fig. 1) located at least partially within the internal cavity.

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koumbas in view of Smith III. Koumbas further discloses that the disposable glove or mitten is used to wipe a surface (note lines 47-52 on page 1). Although Koumbas fails to disclose that the porous sheet comprises an apertured film, attention is directed to Smith III who discloses another disposable wiping element (note lines 12-13 in col. 1) having a porous outer layer comprised of an apertured

film (note lines 51-66 in col. 3 and lines 11-18 in col. 4) in order to control the wetting, and hence soiling, of the inner layer to extend the useful life of the element (note lines 60-64 in col. 4). It would have been obvious to one of ordinary skill in the disposable wiping element art, at the time the invention was made, to form the porous sheet of Koumbas as an apertured film in view of the teachings of Smith III in order to control the wetting, and hence soiling, of the inner layer to extend the useful life of the element.

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koumbas in view of Madnick et al. Although Koumbas fails to disclose a temperature-changing element, attention is directed to Madnick et al. who disclose another mitten (Fig. 5) or glove (Fig. 4) provided with a temperature-changing element 46 for directly or indirectly warming the fingers and blood (note lines 14-34 in col. 5) in cold weather (note lines 20-26 in col. 1). It would have been obvious to one of ordinary skill in the glove or mitten art, at the time the invention was made, to provide the glove or mitten of Koumbas with a temperature-changing element in view of the teachings of Madnick et al. in order to directly or indirectly warm the fingers and blood when used in cold weather or a cold atmosphere.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brammer in view of Smith III. Brammer further discloses that the disposable glove or mitten is used for cleaning purposes (note lines 1-2 in col. 1). Although Brammer fails to disclose that the porous sheet comprises an apertured film, attention is directed to Smith III who discloses another cleansing or cleaning element (note lines 12-13 in col. 1) having a porous outer layer comprised of an apertured film (note lines 51-66 in col. 3 and lines 11-18 in col. 4) in order to control the wetting, and hence soiling, of the inner layer to extend the useful life of the element (note lines 60-64 in col. 4). It would have been obvious to one of ordinary skill in the cleansing or cleaning element art, at the time the invention was made, to form the porous sheet of Brammer as an apertured film in view of the teachings of Smith III in order to control the wetting, and hence soiling, of the inner layer to extend the useful life of the element.

10. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brammer in view of Madnick et al. Although Brammer fails to disclose a temperature-changing element, attention is directed to Madnick et al. who disclose another mitten (Fig. 5) or glove (Fig. 4) provided with a temperature-changing element 46 for directly or indirectly warming the fingers and blood (note lines 14-34 in col. 5) in cold weather (note lines 20-26 in col. 1). It would have been obvious to one of ordinary skill in the glove or mitten art, at the time the invention was made, to provide the glove or mitten of Brammer with a temperature-changing element in view of the teachings of Madnick et al. in order to directly or indirectly warm the fingers and blood when used in cold weather or a cold atmosphere.

***Allowable Subject Matter***

11. Claims 10, 11 and 13-15 are allowed.

***Response to Arguments***

12. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

13. Applicant's arguments, see page 6, paragraph VIII of the amendment, filed June 10, 2003, with respect to claims 1-9 have been fully considered and are persuasive. The rejection of the claims, based on Lafosse-Marin et al., has been withdrawn.

***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kathleen J. Prunner whose telephone number is 703-306-9044.

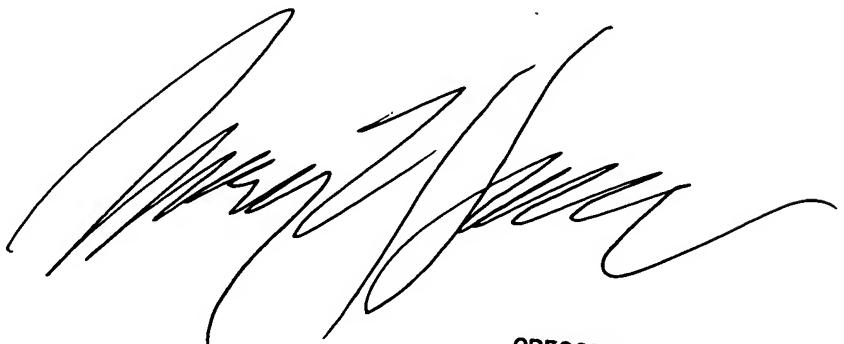
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Huson can be reached on 703-308-2580. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kathleen J. Prunner

March 24, 2004



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